

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

vs.

ROBERT JAY SORENSEN,
Defendant,

MEMORANDUM DECISION AND
ORDER DENYING DEFENDANT'S
MOTION TO DISMISS FOR LACK
OF JURISDICTION

Case No. 2:99-CR-441 TS

This matter is before the Court on Defendant's Motion to Dismiss for Lack of Jurisdiction.¹ Defendant argues, under *Wickard v. Filburn*,² that the Court lacks subject matter jurisdiction. 18 U.S.C. § 3231 gives the Court subject matter jurisdiction over "all offenses against the laws of the United States." Defendant was charged in a three-count Superseding Indictment with a violation of 21 U.S.C. § 841(d)(2), 21 U.S.C. § 841(a)(2), and 21 U.S.C. § 841(a)(1), all federal statutes. Defendant ultimately pleaded guilty to Counts 1 and 2 of the Indictment. Since the offenses involved here were "against the laws of the United States," the Court has subject matter jurisdiction and Defendant's Motion must be denied. Defendant's

¹Docket No. 133.

²317 U.S. 111 (1942).


reliance on *Wickard* is misplaced. The fact that “Defendant never registered nor received benefits from any federal agency regulating controlled substances”³ is inapposite.

It is therefore

ORDERED that Defendant’s Motion to Dismiss for Lack of Jurisdiction (Docket No. 133) is DENIED.

DATED this 20th day of August, 2007.

BY THE COURT:



TED STEWART
United States District Judge

³Docket No. 133, at 3.